UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/SR.60
12 December 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 60th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 April, at 6 p.m.

Chairperson: Ms. FILIP (Romania)
(Vice-Chairperson)

later: Mr. DESPOUY (Argentina)
(Chairperson)

later: Mr. MENDONÇA E MOURA (Portugal)
(Vice-Chairperson)

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GE.01-15774 (EXT)

CONTENTS

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

(b) HUMAN RIGHTS DEFENDERS

(c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT

In the absence of Mr. Despouy (Argentina), Ms. Filip (Romania), Vice-Chairperson, took the Chair.

The meeting was called to order at 6.05 p.m.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:
(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS
(b) HUMAN RIGHTS DEFENDERS
(c) INFORMATION AND EDUCATION
(d) SCIENCE AND ENVIRONMENT

(agenda item 17) (E/CN.4/2001/87, 88 and Corr.1, 89 and Corr.1, 90-92, 93 and Add.1, 94-96, 117, 120 and 125; E/CN.4/2001/NGO/35, 45, 55, 97, 160, 161, 173 and 179; E/2000/3 and Corr.1; A/55/360)

1. Ms. JILANI (Special Representative of the Secretary-General on human rights defenders), introducing her first report on human rights defenders (E/CN.4/2001/94), said that her mandate required her to put the primary emphasis on domestic law consistent with the Charter of the United Nations and other international obligations of States in the field of human rights. Her mandate also required her to look into situations that threatened or impeded the work or security of human rights defenders, whether they were defending economic, social and cultural rights or civil and political rights.

2. She proposed to work closely with other thematic mechanisms, Governments and other actors interested in the effective implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the "Declaration on Human Rights Defenders"). However, such cooperation would be meaningful only if it was based on a genuine commitment by all concerned to the principles of the Declaration and unreserved recognition of the value of human rights defenders' work. Communication and dialogue with Governments would be particularly important, as States had the prime responsibility and duty to protect human rights.

3. She would be seeking information not only on the cases where human rights defenders had suffered injury or were at risk but also on practices and policies that had reduced the risk to them. The methodology she proposed to follow in her work drew on the examples of other thematic mechanisms and the advice of non-governmental organizations (NGOs) and individual human rights defenders, and was designed to ensure that responses were prompt and initiatives effective. Country visits, including visits to report on good practice, would be an integral part of her work, as would cooperation with treaty bodies and the United Nations specialized agencies. She would also be seeking to build constructive relationships with regional human rights mechanisms. She recognized the importance of consultations with NGOs and close contact with human rights defenders and had recently attended some regional meetings organized by the latter.

4. She had already received a large number of allegations of violations of the rights of human rights defenders and had begun to transmit communications on them to the Governments concerned. So far, she had received replies from the Government of Tunisia to the two urgent appeals mentioned in her report. The situation of human rights defenders was preoccupying in Colombia, Indonesia and Tunisia, but defenders in countries not mentioned in her report were also at risk. Indeed, no region was free of the repressive practices that threatened defenders' freedom of action. The means used to silence defenders were becoming increasingly violent and states of emergency were too often used by Governments to nullify or weaken the guarantees provided by domestic legislation. Female defenders were often more vulnerable than their male counterparts to prejudice and marginalization, and impunity for those committing acts that blatantly threatened the security of human rights defenders was a serious problem.

5. The assertion of democratic human rights and freedoms was penalized in many States and the enactment of laws criminalizing certain aspects of human rights activities needed to be closely scrutinized. Increasingly sophisticated methods were being used against human rights defenders and it had become too risky in some countries to report human rights abuses. Some defenders had even been threatened with death for taking part in the current session of the Commission on Human Rights.

6. The success of her work would be measured by the degree of security it afforded those acting to promote and protect human rights, and would be achieved only if she was given adequate resources to fully discharge her responsibilities under her mandate. She concluded by applauding the courage with which human rights defenders promoted the cause of human rights even at the cost of their life and liberty.

7. Mr. RONNAS (Observer for Sweden), speaking on behalf of the European Union, and the associated countries Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that it had become increasingly clear that human rights could not be effectively promoted and protected without the involvement of civil society, and human rights defenders had an essential role to play in informing civil society of the rights enshrined in international human rights instruments. Human rights defenders came from all walks of life; although some were public figures, most were just ordinary people prepared to stand up for the human rights of others. They had become increasingly effective in exposing human rights violations, seeking remedies for victims, educating the public and helping combat impunity, but their progress had come at a high price: in many countries they were the

victims of intimidation, arbitrary detention, torture and violence. Harassment was sometimes more subtle, in the form of loss of employment or land, or of medical care for their children, and reprisals sometimes targeted their relatives or friends.

8. The Declaration on Human Rights Defenders recognized the importance and legitimacy of the work of human rights defenders as well as their need for better protection, and the mandate of the Special Representative afforded scope for a comprehensive approach to its implementation. The European Union fully supported the Special Representative's proposed methods of work. He paid tribute to all those individuals throughout the world who were dedicated to promoting and protecting human rights, while recalling that the primary responsibility for doing so lay with States.

9. Mr. SIV (United States of America) recounted his own experience in the days before the fall of Phnom Penh to the Khmer Rouge exactly 26 years earlier, when he had lost 15 members of his close family before escaping to the United States. Human rights were not some abstract concept for him: he knew what it was like to lose his freedom and regain it. He had witnessed human tyranny and goodness, but for too many of the heroes of freedom and democracy the only reward was torture or death.

10. Special Rapporteurs were the international community's first line of defence against human rights violations, and he was deeply concerned that the Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Asma Jahangir, faced death threats in her own country.

11. Many human rights defenders had paid a high price for their beliefs. In Cuba, Vladimiro Roca Antuñez had been in jail for four years for "sedition" – actually, for suggesting that the Cuban Government should encourage democracy. In Peru, many individuals had been wrongfully convicted of terrorism and owed their release to the efforts of Jorge Santistevan de Noriega, a member of the Pardons Commission. Violence against human rights workers was all too frequent in his native Cambodia and in countries like Indonesia, where the activist Jafir Siddiq Hamzah had been found battered to death after returning to establish the Support Committee for Human Rights in Aceh. A culture of impunity impeded efforts to end human rights violations and bring those responsible to justice.

12. Other inspiring and outspoken human rights defenders included Cardinal Christian Niygham Tumi of Cameroon, known for his campaign against extrajudicial killings, and Bishop Macram Max Gassis of the Sudan, exiled for his views but still delivering humanitarian aid in the Nuba Mountains. In Zimbabwe, one of the leading campaigners for women's rights and democracy, Thoko Matshe, had been subjected to many incidents of intimidation and harassment.

13. Those who defended workers' rights to free association and assembly faced difficulties in many countries, including Colombia, where 129 labour leaders had been murdered in 2000, and Myanmar, where advocates of labour rights had been given extraordinarily long prison sentences for "labour activism". Journalism was also a dangerous profession in some countries, as shown by the beheading of Heorhiy Gongadze, a Ukrainian journalist and government critic, and the disappearance of Dimitry Zavadsky, a Belarusian television cameraman, after being detained for making a documentary critical of the Lukashenko regime. The recent toppling of the only nationwide independent television station in the Russian Federation was also a step backwards in

terms of press freedom. There were some countries, like Turkmenistan, where government restrictions on freedom of speech and association were so tight that no human rights defenders existed.

14. The Commission must find the moral courage – lacking in the majority of its members after the fall of Phnom Penh – to stand firmly behind human rights defenders: otherwise human rights would always be in jeopardy and there would always be a risk of a return to the killing fields.

15. Mr. BARG (Libyan Arab Jamahiriya) reminded the Commission that an innocent Libyan citizen, Abdel Baset al-Megrahi, had been unjustly sentenced to a long prison term in the Lockerbie case on the basis of false accusations. The conviction was unsafe, based as it was on assumptions, conjecture and contradictory evidence, and many distinguished legal experts, including law professor Robert Black, the Secretary-General of the League of Arab States and observers from international and regional organizations, had asserted that the trial had been purely political. The sentence had not only shocked the Libyan people, who were convinced of Mr. al-Megrahi's innocence and saw him as a political hostage, but also observers and high-ranking politicians throughout the world. The conviction was a travesty of justice and should be overturned. Human rights defenders should take up his case and campaign for his release.

16. Mr. WILLE (Norway), speaking also on behalf of Denmark, Finland, Iceland and Sweden, said that, while reviews of domestic legislation governing situations of internal conflict could enhance the protection of human rights in the situations where the most serious violations took place, the core element of the work relating to fundamental standards of humanity was to find ways to ensure that existing human rights norms were implemented.

17. The adoption in 1998 of the Rome Statute of the International Criminal Court had had a significant impact on the debate on fundamental standards of humanity, as the Statute also applied to crimes within the Court's jurisdiction which were committed in internal armed conflicts. The essence of the concept of fundamental standards of humanity was that it covered the various forms of individual responsibility of non-State actors under international criminal law. The challenge was to ensure that non-State actors complied with those standards. The report of the Secretary-General on fundamental standards of humanity (E/CN.4/2001/91) contained a useful analysis of the jurisprudence of the international criminal tribunals for the former Yugoslavia and Rwanda, which had contributed to the development of rules applicable specifically in internal armed conflicts and revealed a common core of international humanitarian law applicable in both international and non-international armed conflicts.

18. Mr. WATANABE (Japan) said that, while the promotion and protection of human rights were primarily the responsibility of each country, one of the most important parts of the work of the United Nations in the field of human rights was the adoption of international human rights instruments. With its accession in 1999 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Japan had become a party to all six of the core human rights instruments. He urged States that were not parties to them to ratify or accede to them at the earliest possible opportunity. However, the ultimate aim was not simply accession to treaties but full compliance with the obligations contained in them. For that reason, the work of

the treaty-monitoring bodies was very important and their effectiveness needed to be further enhanced.

19. Each State had to make its own decision on whether to retain or abolish the death penalty after fully taking into account the sentiments of its people, the crime rate and its criminal justice policy in general. The withdrawal or non-submission of a draft resolution on the subject at the two most recent sessions of the General Assembly showed that there was no consensus on the matter, and the Commission should pay due attention to that fact.

20. He stressed the importance attached by the Japanese Government to the role of the High Commissioner for Human Rights and her office in the promotion and protection of human rights, as evidenced by its sizeable contributions to her annual appeals for funding.

21. Mr. REYES RODRÍGUEZ (Cuba) said that the promotion and protection of human rights was one of the widest-ranging and most politically important items on the Commission's agenda. Unfortunately, genuine international cooperation was lacking in the Commission's approach to it, thanks to the methods used by the countries of the North to impose their ideology on the rest of the world. At the current session of the Commission, the representatives of those countries not only held their traditional meetings behind closed doors but had begun to emerge from those meetings with resolutions they had concocted for adoption at formal ceremonies cynically referred to as "open consultations". His delegation rejected those methods and the imposition of a sham "consensus".

22. The time it had taken to reach agreement on the Declaration on Human Rights Defenders showed how politically sensitive the subject was and how anxious some States were to avoid its use as a spurious foreign policy tool by certain other States. When the Declaration had been adopted, Cuba had been one of 26 States to make an interpretative declaration insisting that only the State could provide the legal and other guarantees ensuring that all persons within its jurisdiction enjoyed their rights and freedoms and that the Declaration must be implemented in accordance with the Charter of the United Nations, particularly with regard to State sovereignty and non-interference in other countries' internal affairs. Unfortunately, the international consensus on the implementation of the Declaration had been broken at the previous session of the Commission.

23. His Government appreciated the frank and constructive exchange it had held with the Special Representative on human rights defenders. Its two main concerns were that the term "human rights defenders" appeared to be reserved for individuals and groups, as opposed to States, and that external funding supposedly intended to support the activities of people calling themselves human rights defenders was actually used for political purposes and to fund activities that were incompatible with the Charter. For example, the United States Government spent millions of dollars on promoting and financing counter-revolutionary groups operating in Cuban territory from bases in the United States to prevent the Cuban people from exercising their right to self-determination.

24. The Declaration had not resolved the question of defining the duties of individuals and groups towards the society in which they exercised their rights. His delegation therefore welcomed the decision by the Sub-Commission on the Promotion and Protection of Human

Rights (decision 2000/111) to appoint Mr. Alfonso Martínez to undertake a study on human rights and human responsibilities, and it hoped that the Commission would adopt the draft decision on that subject as recommended by the Sub-Commission.

25. Mr. ALFELD (South Africa) said he was confident that the Special Rapporteur on human rights defenders, given adequate resources, would be able to fulfil her mandate effectively as her proposed working methods took into account the multiple dimensions of the threats faced by human rights defenders. He was particularly encouraged by her stated determination to try to improve their situation in partnership with the Governments concerned and to take full advantage of existing field presences of the Office of the High Commissioner for Human Rights. However, he was concerned about the apparent unwillingness or inability of States to respond quickly and effectively to the requests and appeals addressed to them.

26. He particularly commended the Special Rapporteur for her strong emphasis on cooperation with existing special procedures, treaty bodies, specialized agencies, NGOs and regional human rights mechanisms. He urged her to give priority to drawing up, in close cooperation with the African Commission on Human and Peoples' Rights, a regional strategy to enhance the protection of human rights defenders in Africa. He agreed that the most pressing problem was the inadequate implementation of existing norms, and supported the Special Rapporteur's emphasis on research into repressive measures and practices affecting human rights defenders.

27. Since the previous session of the Commission, there had been increasing recognition, including in the Millennium Declaration of the General Assembly, of the importance of good governance in the promotion of human rights. He hoped that the resolution on that subject sponsored by South Africa and others would therefore be adopted by consensus.

28. Mr. MORENO (Italy) said that, despite the problems and obstacles facing emigrants, emigration was not a bad thing in itself, as many Italians over the past century could testify. Emigrants in search of a better life had made a significant contribution to economic, social and cultural exchanges. The European regional preparatory conference for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had paid particular attention to migratory phenomena in Europe, stressing the need for policies to prevent outbursts of racism or the isolation of newcomers with a view to the mutual enrichment of cultures and traditions.

29. The recent exodus to Europe from the Balkans and countries around the Mediterranean and the large numbers of illegal immigrants from Asia and sub-Saharan Africa had led to a sharp rise in the number of people being exploited, during both their trip and their illegal stay in Europe. They fell prey to organized gangs of criminals, who exploited them as prostitutes or for drug-trafficking, pornography or even the trade in human organs. Organized crime thus took root within immigrant communities, giving rise to xenophobia among even the most tolerant local communities. European countries were trying to address the causes of the problems in such a way as to avoid an upsurge in discrimination and intolerance, by adopting preventive and punitive measures alongside policies to integrate immigrants and provide them with information, welfare and education.

30. Coordinated international action was needed to curb the activities of those making money from human despair and to bring them to justice. The High-level Political Signing Conference for the United Nations Convention against Transnational Organized Crime, held in Palermo, had shown the way forward: on the one hand, migrants' rights must be protected and, on the other, the exploitation of migrants must be resisted. It was vital in the fight against xenophobia and intolerance to promote a society that welcomed minorities, travellers, asylum seekers, refugees and internally displaced persons and included them in decision-making.

31. He stressed the importance of including a gender perspective in all policies to combat racism and of raising awareness among the women in the groups that were particularly exposed to discrimination so that they could take an active part in the design and implementation of policies affecting them. In Italy, a new immigration law encouraged the reunification of families and family-planning and maternity services were available to the women, who were entitled to six-month residence permits to help them break out of people-trafficking circles even if they were in the country illegally. In one year, over 700 women migrants had registered for special social welfare programmes.

32. The adoption of best practices in dealing with immigrants needed to be supplemented by international measures against trafficking in human beings and all forms of slavery associated with immigration. At the same time, the economic and social effects of migration had to be addressed at the international level, and would therefore be on the agenda of the G-8 when it met in Genoa later in the year.

33. Mr. Despouy (Argentina) took the Chair.

34. Mr. NAESS (Norway) said that the appointment of a Special Representative on human rights defenders had been one of the most important achievements of the previous session of the Commission on Human Rights, and that the Special Rapporteur's first report showed a true commitment to a demanding task. Human rights advocates faced very serious difficulties throughout the world, and he agreed with the Special Representative that they could not be adequately protected unless their role was recognized by Governments.

35. Some delegations had expressed concern that the Special Representative's mandate overlapped with other special procedures, but there appeared to be little to fear on that score as the report showed she had already established good working relations with other parts of the special procedures system. He strongly encouraged the Special Representative to continue to seek close cooperation with treaty bodies and other parts of the United Nations system.

36. In recent years, considerable progress had been made in strengthening the legal and normative framework for the protection of human rights defenders but the problem, as often, was one of implementation. He welcomed the Special Representative's ideas on tackling that problem through close cooperation with national and regional mechanisms and with Governments. He also welcomed her determination to pay special attention to the human rights defenders at greatest risk, including women and campaigners for democracy, and to rights not covered by other thematic mechanisms, such as the rights to freedom of association, assembly and movement.

37. He was confident that the Special Representative could make a difference, but she had set herself ambitious goals and if she was to reach them she would need the full cooperation of all States, as well as all the necessary resources.

38. Ms. JANJUA (Pakistan) said that, despite the protection afforded by the Declaration on Human Rights Defenders and the growing international recognition of the importance of their work, human rights defenders continued to be persecuted and even killed for their ideals.

39. In Pakistan, there were thousands of NGOs making positive contributions to the promotion and protection of human rights and to the country's social and economic development. Their activities ranged from reducing illiteracy, improving sanitation and combating infectious diseases to campaigning for civil and political rights and women's rights. Almost half of the development projects undertaken by the Ministry of Women Development were run by NGOs, who also had a prominent role in the national steering committees preparing for the United Nations General Assembly special session on children and the Pakistan Convention on Human Rights and Human Dignity. NGOs also participated in the preparation of Pakistan's reports to the treaty-monitoring bodies.

40. Mr. CASTRO GRANDE (Observer for El Salvador), speaking on behalf of the Central American Group, said that the Expert Seminar on Human Rights and Peace organized by the High Commissioner for Human Rights in December 2000 had been a valuable contribution to the International Year for the Culture of Peace. The report on the Expert Seminar (E/CN.4/2001/120) and the Declaration and Programme of Action on a Culture of Peace deserved to be studied carefully by all Governments, not only because of the valuable insights they provided but also because they revealed the pressing need to adopt a culture based on non-violence, respect for human rights, international solidarity and dialogue, democracy and gender equality.

41. The promotion of a culture of peace was especially important to the countries of Central America as it was closely linked to their common interests, such as the acceptance of different cultures, the consolidation of democracy and sustainable human development. For that reason, they strongly supported the work of the University for Peace, including its "Culture of peace and democracy in Central America" programme. Two Central American military forums had been held on a culture of peace to discuss the role of the armed forces in strengthening democracy and the rule of law and regional integration. The Central American Parliament had also adopted a resolution in support of the International Year.

42. Discussion should continue on the recognition of a "right to peace" as an umbrella right from which true enjoyment of all other human rights was derived and which encouraged every person and nation to enter into a virtuous circle that would encourage harmony, democracy, well-being and respect for human dignity. He recalled that the General Assembly, in the Declaration on the Right of Peoples to Peace, had proclaimed that "the peoples of our planet have a sacred right to peace" and that each State had an obligation to promote and preserve that right. The Organization of American States had reaffirmed its support for the Declaration at its meeting to commemorate the fiftieth anniversary of the adoption of the Charter of the United Nations, and had recognized the right to peace as inalienable and inherent in the dignity of the human person.

43. The International Decade for a Culture of Peace and Non-violence for the Children of the World would help improve the situation of the most vulnerable people throughout the world and could make a valuable contribution to other international initiatives such as the Dialogue among Civilizations. Education had an important role in building a culture of peace; it was particularly important to inculcate respect for human rights and for others at an early age so that peaceful reactions to the challenges of daily life became the norm. The United Nations Decade for Human Rights Education would therefore also continue to help consolidate a culture of peace.

44. Many challenges lay ahead, but the main objective was to foster solidarity between individuals and peoples, and that could only be achieved if there was unlimited respect for all human rights. The promotion of a culture of peace and dialogue among civilizations should guide international relations in the twenty-first century, as affirmed in the Millennium Declaration. The "feasible Utopia" of a culture of peace was not only a desirable but also a necessary objective.

45. Mr. Young-sam MA (Republic of Korea) said that history showed that peace could not be achieved without the protection of human rights, while human rights could not be protected unless there was peace. A culture of peace could be established only if the causes of tension in society were rooted out and cultural diversity and tolerance were nurtured. He was therefore gravely concerned at the recent trend towards intolerance and claims of cultural superiority, as exemplified by the destruction of the Buddhist cultural heritage in Afghanistan earlier in the year. Efforts to overcome hostility towards other cultures by creating a dialogue among civilizations were therefore welcome. At the same time, humankind should take full advantage of technological innovation to promote a culture of peace. The privileged elite in any given country must learn to share with the have-nots and assume their duty to redress social injustice, while, at the international level, developing countries must be given assistance for capacity-building.

46. The role of civil society in raising public awareness and bringing injustices to light was growing more important by the day as the role of Governments shrank in an age of globalization. The expertise and dedication of representatives of civil society also played a catalytic role in the work of the Commission.

47. Mr. BOWA (Zambia) said that the enjoyment of human rights could be guaranteed only if they were actively promoted and protected. His Government had therefore set up the Human Rights Commission of Zambia in 1996 with a mandate to deal with complaints, including complaints from third parties, investigate human rights violations and carry out a programme of research and education. It followed that his Government supported the sometimes difficult and dangerous work of human rights defenders. He cautioned, however, that the latter should take care not to violate the rights of others while seeking to protect the rights of an interest group or association.

48. He welcomed the appointment and first report of the Special Representative on human rights defenders, noting that it was the first time a mandate had been tailored to focus on their specific rights and freedoms. He welcomed the Special Representative's emphasis on cooperation and dialogue with Governments and hoped that she would take steps to ensure the veracity of the information she transmitted to them in order to minimize the transmission of

unfounded, politically motivated allegations and so reduce the cost to developing countries of wasteful investigations. He stressed that the Special Representative must approach her mandate with objectivity.

49. He expressed concern that States sometimes politicized the work of the Commission; he hoped that they would avoid doing so at the current session, in order to ensure that the mandate of the Commission was adhered to, to the fullest extent possible.

50. Mr. GOPINATHAN (India), speaking on the issue of human rights education, said that the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action both recognized the cardinal role of human rights education, which was a prerequisite for the promotion of a culture of full enjoyment of human rights. Unfortunately, the United Nations Decade for Human Rights Education did not appear to have gathered the desired momentum. The Commission should therefore consider proclaiming a second decade, to run from 2005 to 2014, and producing a global plan of action.

51. Human rights education had to be targeted at, but not limited to, schools and universities. While every country had to develop its own strategy based on its own needs, certain general points should be borne in mind: the strategy must involve the participation of a broad cross-section of society; awareness must be raised among, in particular, the poor and vulnerable members of society, who should be given the confidence and means to press for the protection of their rights; prejudice must be countered and tolerance promoted; the authorities must be sensitized to the need to protect human rights in the discharge of their duties; people must be made to realize that they had not only rights but also responsibilities towards other members of society; and human rights education must be adapted to changing needs.

52. The Indian education system was already geared to the promotion and protection of human rights, and the Government had already prepared, in consultation with the National Human Rights Commission and representatives of civil society, a draft plan of action to provide human rights education for a range of public officials. A considerable amount of work had already been done in schools and universities, including the establishment of a Chair for Human Rights Studies at the National Law School of India University in Bangalore.

53. International cooperation could also play an important role in the promotion of human rights education; he hoped that the Office of the High Commissioner for Human Rights would continue to provide support where needed through its technical cooperation programmes.

54. Mr. Mendonça e Moura (Portugal), Vice-Chairperson, took the Chair.

55. Mr. THIOUNE (Senegal), recalling the deep concern expressed by the Commission at the harassment and risk of arbitrary detention or extrajudicial execution faced by human rights defenders in many countries, said that the adoption of the Declaration on Human Rights Defenders marked a turning point in the worldwide crusade against human rights violations. However, the political will shown by States in adopting the Declaration must be matched by integrity and truthfulness in the analysis and assessments produced by human rights defenders, which could have far-reaching political and economic consequences for States.

56. He welcomed the appointment of Ms. Hina Jilani as Special Representative of the Secretary-General on human rights defenders. Her first report showed her careful and selfless approach to her mandate and her desire to work in synergy with other thematic mechanisms.

57. Human rights defenders, however unwelcome they might sometimes be, were the world's conscience. His Government solemnly pledged to work with them, as it did with other human rights mechanisms, in a respectful and responsible way to ensure the triumph of peace, justice and dignity.

58. Human rights defenders in Senegal were active in the promotion of democracy and education for citizenship, as well as in providing legal assistance for victims at the national and international levels. The Government of Senegal was itself a staunch defender of human rights, and so was on the same wavelength as human rights defenders. It could not be otherwise in a country with such a tradition of debate, dialogue, collegiality and consultation.

59. Ms. STRONG (World Health Organization (WHO)) said that genetic research had ethical, legal and social implications for the enjoyment of several key human rights, including the rights to non-discrimination, privacy and the highest attainable standard of health and the right to benefit from scientific progress. The use of genetics in prevention raised questions about equal access to services, especially by people in the developing countries, and discrimination or stigmatization as a result of genetic disclosure. There was also a problem of resource allocation: pharmaceutical companies tended to focus on diseases prevalent in the developed countries while overlooking diseases that were a heavy burden in developing countries, where the new technologies they discovered were often prohibitively expensive. In the area of capacity-building and education, the risks and benefits of genetic technology must be made known to all health professionals and the general public. Genetic information could be used to discriminate not only against individuals but also against communities associated with a risk-producing gene, and there was a risk of creating a "genetic underclass". The trend towards genetic determinism needed to be kept in perspective by publicizing the limitations of genetics. Recent advances in genetic research meant that a variety of tests for disease susceptibility would soon be available, but it would be necessary to ensure that the research reflected the health needs of the participating community and that individuals' rights to dignity and to a say in decisions affecting their health were safeguarded. The rights to privacy, individual autonomy and physical integrity were all at risk whenever genetic data were misused, as such data represented uniquely private information about an individual, family or community.

60. The Director-General of WHO had recently defined the challenge ahead as one of anticipating, rather than reacting to, the consequences of new discoveries, assessing their ethical aspects, determining which of the products they gave rise to should be protected from commercial exploitation and ensuring the widest possible access to their benefits.

61. Mr. SEE (Observer for Singapore) said that, for the fifth year running, the Commission was being asked to adopt a virtually identical resolution on the death penalty. Perhaps the sponsors of the draft resolution thought that any resolution not adopted by consensus or unanimity was devoid of political or moral standing, but there was surely no need to take up the same resolution year after year once it had been adopted. Resubmitting virtually the same text

also went against the Commission's efforts to streamline its work and to focus on urgent cases of massive and persistent violations of human rights.

62. For many States Members, the death penalty was primarily a matter of criminal justice. Societies and Governments had a duty to balance the right to life with competing rights, including the right of all citizens to live in an environment where their personal safety was not threatened by criminals. Contrary to the arguments put forward by the sponsors, capital punishment carried out with due process of law was not inherently in conflict with the concepts of human rights and human dignity, nor did it necessarily reflect an obsession with retribution. Indeed, outrage against the death penalty was often sparked by nationalist sentiments, as in the recent case in which a State had reacted to the execution of one of its nationals by cutting off all ministerial contacts with another State. He urged members to consider carefully their course of action if they wished to preserve the credibility and moral authority of the Commission.

63. Mr. MULA (Observer for Iraq) said that one of the most significant aspects of the attacks on Iraq led by the United States and the United Kingdom in 1991 had been the use of large quantities of depleted uranium, a practice prohibited by several international conventions. Medical and scientific experts agreed that it was dangerous for the environment and human health; since the war, doctors in Iraq had observed a high incidence of congenital deformities, sterility and diseases of the nervous and muscular systems. Depleted uranium also caused sickness and death among the soldiers using it, as revealed by the British newspaper The Guardian. He called on the Secretariat to study the effects of the use of depleted uranium on individual and collective human rights and he called on members of the Commission to prepare a draft resolution on the subject for its following session.

64. Mr. VIGNY (Observer for Switzerland) welcomed the approach taken by the Special Representative on human rights defenders, especially with regard to cooperation with other treaty-based and thematic mechanisms. However, he would have liked to know more about how the people supplying information on violations of the rights of human rights defenders could be protected. He stressed the importance of field visits by the Special Representative, as they provided an opportunity not only to clarify the actual situation of human rights defenders but also to talk to Governments, representatives of civil society and the defenders themselves. He regretted that several countries had not replied to the Special Representative's communications, and hoped that other States would join Switzerland in providing funding for the Special Representative's work.

65. He expressed grave concern about the continued use of the death penalty, especially when criminals had to spend many years on death row, enduring what could be considered cruel and inhuman treatment under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It was unacceptable to apply it to those of unsound mind or those who were below the age of 18 when the crime was committed. He called on all States in which capital punishment was still legal to prohibit it, introduce a moratorium on executions or commute the sentences to life imprisonment.

66. In at least a dozen countries in various parts of the world, codes of conduct inspired by the principles of human rights and humanitarian law were being developed by people working at

grassroots level, showing that the Commission's work on fundamental standards of humanity responded to a real need. The Commission should therefore pursue its valuable work in that area.

67. Mr. MAUTNER-MARKHOF (Observer for Austria) welcomed the report of the High Commissioner for Human Rights on the mid-term evaluation of the United Nations Decade for Human Rights Education (A/55/360) but said the full potential of the Decade had not yet been exploited, especially in the area of human rights education as a means of conflict prevention. Human rights education was an essential element of his Government's foreign policy, which stressed the importance of closer dialogue with civil society and grassroots movements in raising awareness of human rights in all parts of society. Local communities could play a special role in that process, following the example of the Austrian city of Graz, which, as the first Human Rights City in Europe, had earmarked significant funds for human rights education.

68. The Office of the High Commissioner for Human Rights should continue to involve Governments and all parts of the United Nations system in providing and monitoring human rights education. Exchanges of ideas with the help of new information technologies could give the Decade new impetus. Educational materials developed by international organizations should be made easily accessible at no charge and full use should be made of the Office's database on human rights education. The Office should not relent in its efforts to provide effective human rights education to United Nations field staff and peacekeeping troops. The forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be an excellent opportunity to educate the public on the evils of racism and the great benefits of tolerance and respect for diversity.

69. Mr. BENDO (Observer for Albania) said that Albania was a State party to all six of the core international human rights instruments and supported the efforts of the High Commissioner for Human Rights to achieve their universal ratification. He was particularly appreciative of the help provided to his Government by the Office of the High Commissioner in preparing its reports to the treaty bodies.

70. Capital punishment had been abolished in Albania in 1999 and Parliament had subsequently ratified Protocol No. 6 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms.

71. He welcomed the report by the Special Representative on human rights defenders, who were vital to the future of every society. In Albania, amid growing activity by human rights NGOs, the Office of the Ombudsman had been set up with international assistance in February 2000 and the Ombudsman had quickly earned respect as the guarantor of human rights. Civil society had an important role to play in improving human rights standards and his Government never interfered in the work of human rights organizations or activists. He regretted that some Governments, such as that of Belarus, harassed human rights defenders. The Government of Albania was also seeking to promote and protect human rights at the regional level, through the Stability Pact.

72. Mr. VAN DER HEIJDEN (Observer for the Netherlands) illustrated how effective the defenders of the poor and human rights could be, and the personal risk they ran in doing so, by citing the examples of Mahatma Gandhi and Martin Luther King: both had successfully

campaigned for changes in the law, and both had been assassinated. Human rights defenders sometimes ran the same risk, but it was their vision and courage that paved the way for others to enjoy their rights and freedoms. It should be recalled that the Declaration on Human Rights Defenders expressly recognized the right of everyone to hold an opinion on the observance of human rights and to draw public attention to such matters. Nevertheless, oppressive laws and other means of repression continued to be used against them by some Governments. He welcomed the report of the Special Representative and agreed with her analysis of the areas requiring special attention. Human rights defenders were, like Gandhi and King, fighting for a just cause; they deserved to be listened to.

73. Ms. BIGI (Observer for San Marino) said that her Government's opposition to the death penalty needed no introduction; even if one could understand and make allowances for an individual's violent reaction to a violent attack, there was no place for blind revenge in a country's legislative and judicial systems. However despicable the crime, it could never justify the taking of a human life. Besides, experience had shown that the use of capital punishment had no significant effect on crime rates, and there was always the risk of an irreparable judicial mistake. Capital punishment was especially iniquitous when applied to someone who was a minor or mentally deficient at the time the crime was committed.

74. In November 2000, the Committee of Ministers of the Council of Europe had adopted the declaration "For a European Death Penalty-free Area"; she looked forward to the day when the United Nations would adopt a similar declaration for the whole world.

75. Mr. ASSUNCAO (United Nations University for Peace) said that human rights should be the fundamental guiding principle for economic and social development and for the prevention of conflict and post-conflict reconstruction. The promotion and protection of all human rights would require ever closer cooperation between the Office of the High Commissioner, United Nations agencies and civil society. Noting that one of the aims of the University for Peace was to promote a spirit of peaceful co-existence among all human beings, he said that education was a fundamental tool for promoting and consolidating peace and advancing human rights. It should be remembered that peace was not just the absence of conflict, but security and freedom from fear at the local and individual levels, and that it could only be achieved if attitudes in cultures where violence prevailed were changed at all levels and throughout the State apparatus. The University for Peace was therefore focusing its training and research programmes on building capacity at the State level and on training experts in every field of peace and security.

76. Human rights policies needed to be strengthened and integrated with economic and social policies. Practical measures were therefore needed to cover a wide range of issues, from the provision of a "human rights infrastructure" to job creation and pro-peace public awareness campaigns.

77. The Expert Seminar on Human Rights and Peace, held in Geneva in December 2000, had demonstrated how effective cooperation between experts could be in shedding light on complex issues, while the report on the seminar (E/CN.4/2001/120) made it clear that the promotion of human rights was essential for peace processes.

78. Mr. BUHELT (International Rehabilitation Council for Torture Victims (IRCT)), speaking also on behalf of the Association for the Prevention of Torture, said he was alarmed that fewer than two thirds of the States Members of the United Nations had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, especially as few, if any, States could disagree with its basic principles. He congratulated the four States that had become parties to the Convention since the previous session of the Commission. IRCT would be continuing its campaign to ensure that all States ratified and implemented the Convention and fully recognized the competence of the Committee against Torture.

79. It was deeply regrettable that staff in rehabilitation centres throughout the world were increasingly the targets of attacks. In Indonesia, three field workers from Rehabilitation Action for Torture Victims in Aceh (RATA) had been killed by Indonesian security forces, and more of the organization's staff and clients were at risk as four of the suspects arrested in connection with the murders had escaped from custody. In the Sudan, three staff members of the Amal Centre for Rehabilitation of Victims of Torture, in Khartoum, had been arrested and imprisoned, the centre ransacked and confidential client records confiscated. In Turkey, health professionals working with victims of torture continued to be harassed and one of them had been tortured.

80. The ability of health professionals to identify and document cases of torture made them vulnerable to reprisals from the perpetrators of torture, who wished their crimes to go unpunished. He therefore welcomed the appointment of the Special Representative on human rights defenders and called on all States to support her in her work by responding promptly to her urgent appeals and making sufficient resources available to her.

81. Mr. MALEVICH (Observer for Belarus), speaking in exercise of the right of reply, said that the representative of the United States of America had been mistaken in claiming that Mr. Dmitry Zavadsky had been detained for making a documentary critical of President Lukashenko, when in fact he had been detained for breaking the law governing the crossing of the Belarusian border. It was also incorrect to link Mr. Zavadsky's disappearance in 2000 to his detention in 1997. The Belarusian authorities had displayed conspicuous zeal in dealing with the matter, and the Office of the High Commissioner for Human Rights had been informed on several occasions of the action the Government was taking.

The meeting rose at 9 p.m.